

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

X

A.S. on behalf of T.B.,

Case No: 23-cv-4580

Plaintiff,

v.

New York City Department of Education,
New York City Board of Education, and
David C. Banks, in his official capacity as
Chancellor of the New York City School District,

Defendants.

X

JESSE COLE CUTLER declares, under penalty of perjury pursuant to 28 U.S.C.

§ 1746, that the following is true and correct:

1. I am a partner at Regina Skyer & Associates, a special education law firm that advocates, mediates and litigates on behalf of children with special education needs. I am an attorney licensed to practice law in the State of New York and admitted in the Southern District of New York.

2. This declaration is respectfully submitted in support of Plaintiff's Motion for Attorneys' Fees and Costs pursuant to 20 U.S.C. § 1415(i)(3) and under Rule 54(d)(2) of the Federal Rules of Civil Procedure (the "Motion for Fees").

3. I have been practicing special education law since 2003, representing parents of students with disabilities with regard to obtaining a free appropriate public education in the least restrictive environment.

4. My practice involves assisting parents in advocating for their children's needs at meetings of their school districts' Committee on Special Education and pursuing due process

through impartial hearings and all subsequent appeals. I have represented parents in the geographic areas covered by the Southern District of New York and the Eastern District of New York as well as the United States District Court for the District of Connecticut.

5. I am a senior partner of, and serve as Supervising Attorney for, the Law Offices of Regina Skyer and Associates, L.L.P., and in this capacity review the work product and billings of 19 attorneys who practice in this same area of law.

6. My hourly rate is currently \$650, which I believe accurately reflects rates within the Southern District of New York for attorneys of similar skills and experience practicing in this area of law. During the time period when the underlying administrative hearing was litigated, my hourly rate ranged between \$450 and \$500 per hour.

7. The special education bar, even in New York City, is a relatively small group of lawyers. I am familiar with the majority of the attorneys who practice in this area, including those in firms representing parents, those in firms representing school districts other than the New York City Department of Education, and those in firms of a more general practice nature, which represent parents on a pro bono basis and bill school districts for their time should they obtain prevailing party status. I maintain such relationships for personal and professional reasons, and frequently speak at regional and national conferences with attorneys from both sides of the bar.

8. I follow the decisions of the District Courts within this Circuit in all special education matters that are decided, and frequently review the pleadings and underlying records of these matters to remain current in the field and to keep abreast of developments in litigation strategies and positions.

9. The increasingly complex nature of special education litigation is often recognized by Judges within this District, whether when referring to the highly specialized vocabulary used by the educators charged with offering students an appropriate educational plan in the first instance, when deferring to the “educational expertise” of the administrative finders of fact, or when issuing extremely lengthy decisions examining and parsing out the numerous allegations and defenses raised by both parties.

10. I have reviewed the rates charged by attorneys practicing in the area of education law throughout the geographic area covered by the Southern District of New York and have personal knowledge that the rates charged to paying clients for legal services provided in conjunction with administrative hearings and appeals, as well as litigation before this Court, range between \$300 and \$750 per hour. My firm charges between \$450 and \$750 per hour for attorney time billed to matters to paying clients, and these rates and the billings associated with them are paid by my firm’s clients on a regular basis.

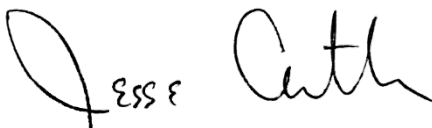
11. I have reviewed the hourly rate of \$420 charged by Rebecca Shore and \$375 charged by Daniel Hochbaum in this matter, and believe that the hourly rates charged by each of these attorneys is within the range of fees charged to paying clients and is reasonable for the work done and the level of experience that each of these attorneys has.

12. I am familiar with the work of Ms. Shore in the field of IDEA litigation. Ms. Shore is recognized nationwide as an expert in the field of IDEA law and practice and is an excellent and effective advocate. I believe that an hourly rate of \$420 is more than reasonable and appropriate for Ms. Shore’s services within the community within which she practices given her expertise and efficiency.

13. I am also familiar with the work of Mr. Hochbaum in the field of IDEA litigation. Mr. Hochbaum is an excellent attorney, well versed in the field, and versatile. Mr. Hochbaum has since been appointed as an Impartial Hearing Officer, where he continues to demonstrate his expertise in the field of IDEA litigation.

14. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 7, 2023
in New York, New York



Jesse Cole Cutler